



# THE CITY OF Anna

## VIA ELECTRONIC FILING

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Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, District of Columbia 20554

*RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79*

Dear Secretary Dortch,

Please accept this letter from the City of Anna, Texas, expressing deep concern regarding the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment. We thank the Commission for its efforts to seek input from local governments on this issue.

Anna is a municipality in the Dallas-Fort Worth Metroplex with a population of approximately 14,000 and is a rapidly growing area of Collin County, Texas. Our City is focused on upgrading its public facilities and infrastructure as well as promoting expanded economic growth. While we certainly share the Commission's intention to facilitate expansion of cutting-edge broadband services for all Americans, the City remains deeply concerned about several provisions of this proposal and the negative impact those provisions will have on our community and local governments nationwide. Local governments have an important responsibility to protect the health, safety and welfare of residents, and we are concerned that these preemption measures compromise that traditional authority and expose wireless infrastructure providers to unnecessary liability.

- **The FCC's proposed new collocation shot clock category is too extreme.** The proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for this new expedited 60 day shot clock. When paired with the FCC's previous decision exempting small wireless facilities from federal historic and environmental review, this places an unreasonable burden on local governments to prevent historic preservation, environmental, or safety harms to the community. The addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more review time than the FCC has allowed in its proposal.

- **The FCC's proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation.** We disagree with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. Local governments share the federal government's goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many cities have worked to negotiate fair deals with wireless providers, which may exceed that number or provide additional benefits to the community. Additionally, the Commission has moved away from rate regulation in recent years. Why does it see fit to so narrowly dictate the rates charged by municipalities?
- **The FCC's proposed definition of "effective prohibition" is overly broad.** The draft report and order proposes a definition of "effective prohibition" that invites challenges to long-standing local rights of way requirements unless they meet a subjective and unclear set of guidelines. While the Commission may have intended to preserve local review, this framing and definition of effective prohibition opens local governments to the likelihood of more, not less, conflict and litigation over requirements for aesthetics, spacing, and undergrounding.

The City of Anna has a long history of successfully managing its public rights-of-way without overly burdensome or restrictive regulations. It has a straightforward "Management of Public Rights-of-Way Ordinance" that was recently updated to include a "Design Manual for the Installation of Network Nodes and Node Support Poles" in keeping with new Texas state-law standards for nondiscriminatory small-cell siting practices in accordance with Texas Local Government Code, Chapter 284.

Cities and other local government entities participated with other local governments in extensive negotiations with the State of Texas and service providers to determine small cell regulations in our state. The FCC's action subverts both local and state authority and we strongly object to the provisions which will further restrict local authority and stymie local innovation, while limiting the obligations providers have to our community.

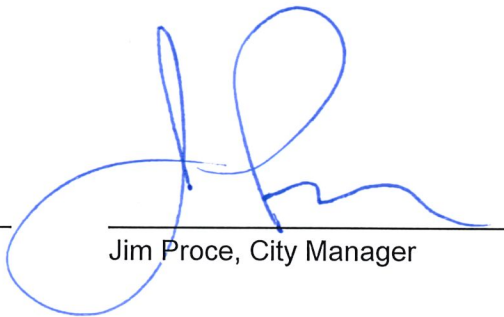
We urge you to oppose this declaratory ruling and report and order.

Sincerely,



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Nate Pike, Mayor



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Jim Proce, City Manager